
WASHINGTON STATE OFFICE OF SECRETARY OF STATE

ROBERT EDELMAN,

Appellant,

v.

SECRETARY OF STATE.

**MOTION FOR RECONSIDERATION OF DECISION
TO DENY NEW EVIDENCE**

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Attorney for the Appellant

I. RELIEF REQUESTED

Pursuant to WAC 434-263-070, Mr. Robert Edelman, complainant, asks the Secretary of State to reconsider the September 10, 2008, decision to deny the parties opportunity to supplement the record and allow Mr. Edelman to submit several additional exhibits.

II. ARGUMENT

Since the cutoff for submission of complainant's exhibits imposed by Administrative Law Judge Rebekah Ross on July 31, 2008, Mr. Edelman has come into possession of additional evidence that he did not know existed at the time, nor did he have any reason to know the evidence existed. WAC 434-263-070 requires that each party be given an opportunity to explain their view of the matter. All of this additional evidence was in the possession of the Secretary's staff at the time of the brief adjudicative hearing on August 15, 2008, and it directly contradicts statements the Secretary made to the judge in his Statement of Position and at the hearing. Since the judge relied on these statements in making her initial decision, it is important for the reviewing officer to see the additional evidence in order to determine if the administrative law judge made her conclusions based on misinformation. While little guidance regarding supplementation of the record is contained in WAC 434-263, upon judicial review there are several situations in which a Superior Court will remand a matter to the agency for additional fact-finding. RCW 34.05.562 states,

(2) The court may remand a matter to the agency, before final disposition of a petition for review, with directions that the agency conduct fact-finding and other proceedings the court considers necessary...if:

...

(b) The court finds that (i) new evidence has become available that relates to the validity of the agency action at the time it was taken, that one or more of the parties did not know and was under no duty to discover or could not have reasonably been discovered until after the agency action, and (ii) the interests of justice would be served by remand to the agency;

(c) The agency improperly excluded or omitted evidence from the record....

While this review is not specifically governed by this section, it does provide guidance as to what type of instances in which a Superior Court would allow a record to be supplemented. The type of evidence Mr. Edelman wishes to submit falls under the descriptions in Subsections (b) and (c), as none of the new evidence was in his possession at the time of the brief adjudicative hearing, nor did he know it existed until it was relied upon by the Secretary in his Statement of Position and at the hearing. Further, each piece of evidence was in the possession of the Secretary at the time of the hearing and contradicts his statements to the judge. The evidence was therefore improperly omitted from the judge, and likely resulted in her drawing improper conclusions of law and fact. In the interest of judicial efficiency Mr. Edelman's new evidence should be admitted now in order to have a full record available if the complaint is submitted for judicial review.

Additionally, in the interest of fairness to the complainant the Secretary should allow him to make a full explanation of his position that includes the additional evidence he has obtained. This review (and the decision to deny additional evidence) was made by Mr. Nixon Handy, the Secretary's Director of Elections, the head of the department that is the subject of Mr. Edelman's complaint and therefore a prejudiced reviewing officer.

III. DESCRIPTION OF NEW EVIDENCE

The evidence Mr. Edelman would like to submit consists of the following.

A. Exhibit 10 – Emails between Brenda Galarza and Robert Edelman

Mr. Edelman submitted a public records disclosure request to the Secretary of State on August 25, 2008 for copies of any procedures or direction prepared by his office that had been provided to county auditors on how to address underage registrations. The request also asked for any internal procedures established regarding the dispositions of registrations from underage applicants entered into the statewide voter registration database. Brenda Galarza replied on September 5, 2008 that there were no responsive records to these requests. These emails contradict the Secretary's assertions to the judge that procedures were in place to identify and remove underage registrations from the database, and that counties followed a standard practice in how they dealt with underage registrations.

B. Exhibit 11 & 12 - Email from David Motz to county auditors and attached database

David Motz, the Secretary's Voter Services Manager, sent an email to county auditors on February 19, 2008, in which he included a list of 115 active voters he had identified whose birthdates indicated they were not 18 years of age as of that day, the day of the presidential primary. This email and its attached list (and the responses from the county auditors) are important to show that the judge made an incorrect conclusion of fact in determining that the Secretary has a reasonable process in place to identify and remove ineligible underage voters, and in determining that very few underage voters are actually placed in the database while still ineligible to vote. This evidence was in the possession of the Secretary at the time of the brief adjudicative hearing, but Mr. Edelman had no knowledge of its existence until its contents were

mentioned to him on August 28 by the Secretary's staff in response to a public records request Mr. Edelman had made.

C. Exhibit 13 – Email from Brenda Galarza to Robert Edelman

Mr. Edelman made a public records request on August 18, 2008, for database transaction status records, which would provide a precise number of how many underage registrations have actually been added to the database while the voter was still ineligible. But he was told in an email by Brenda Galarza, the Secretary's Public Information Officer, that the records cannot be provided until September 25, 2008. This response indicates that the Secretary did not look at these records himself when he testified to the judge that "most" of the underage voter registrations uncovered by Mr. Edelman had not actually been entered until the voter was of age, a statement the judge accepted as fact.

D. Exhibit 14 – Description by David Motz of his contacts with county auditors regarding the February 19, 2008, presidential primary

In response to Mr. Edelman's public records request on August 25, 2008, the Secretary's staff provided a document prepared by Mr. David Motz which described the reasons that four underage ballots were counted in the February 19, 2008 Presidential Primary. In contrast to the Secretary's assertions that his staff "continues to work with the involved counties to develop solutions to prevent these problems from occurring again," the document details that Whitman, Thurston and King Counties are not taking corrective action to prevent future underage registrations. Statement of Position, p. 11. Some of the judge's conclusions of fact and law were based on the Secretary's inaccurate assertion. According to the Secretary's staff this document was prepared for the Secretary's Statement of Position, but was not submitted into evidence. Thus it was in the Secretary's possession at that time, and Mr. Edelman had no way of knowing that it existed until after judicially imposed cut-off date for new exhibits.

IV. CONCLUSION

For these reasons, Mr. Edelman respectfully requests the reviewing officer to reconsider his decision to deny new evidence and allow Mr. Edelman to introduce the attached exhibits into the record.

RESPECTFULLY SUBMITTED this 11th day of September, 2008.

Evergreen Freedom Foundation

A handwritten signature in cursive script, reading "Jonathan D. Bechtle", is written over a horizontal line.

Jonathan D. Bechtle, WSBA No. 39074

Attorney for Complainant

From: Galarza, Brenda [mailto:bgalarza@secstate.wa.gov]
Sent: Friday, September 05, 2008 10:02 AM
To: Bob Edelman
Cc: Motz, David
Subject: FW: Public records disclosure request - underage registration procedures

Mr. Edelman:

We have confirmed that there are no responsive records for your August 25, 2008 request items 1-4. This request is now closed.

Regards,

Brenda Galarza
Office of the Secretary of State
Records/Public Disclosure Officer
PO Box 40224
Olympia, WA 98504-0224
360-586-4556 Voice
360-586-4311 Fax

From: Galarza, Brenda
Sent: Wednesday, September 03, 2008 11:21 AM
To: 'Bob Edelman'
Subject: RE: Public records disclosure request - underage registration procedures

Mr. Edelman:

We do not have any records for your items 1, 2, and 3 below. We are still searching for item #4 and I will let you know if we find responsive records.

Brenda Galarza
Office of the Secretary of State
Records/Public Disclosure Officer
PO Box 40224
Olympia, WA 98504-0224
360-586-4556 Voice
360-586-4311 Fax

From: Bob Edelman [mailto:BobEdelman@comcast.net]
Sent: Monday, August 25, 2008 4:32 PM
To: Galarza, Brenda
Subject: Public records disclosure request - underage registration procedures

Dear Ms. Galarza,

The following is a public records disclosure request in four parts. Please provide copies of the following:

1. All formal, documented procedures established by the Office of the Secretary of State (OSOS) for the processing of voter registration applications received from applicants who will not attain the age of 18 by the next election (underage applicants).
2. All documented direction to county auditors from the OSOS for processing applications from underage applicants.
3. All internal documented procedures established by the OSOS for disposition of registrations from underage applicants if and when such registration information is entered into the Voter Registration Database (VRDB).
4. Communications with county auditors regarding the underage persons who voted in the February 19, 2008 Presidential Primary.

Only documents prepared or in effect on or after January 1, 2006 are requested.

Please note that the phrase “underage applicants” as used here is limited to applicants who will not attain the age of 18 in their jurisdictions before the next election and does not include 17 year-old persons who are eligible to register. Also, please note that this request is for documented procedures and direction and not for descriptions of practices.

Thank you for your consideration.

Bob Edelman
29871 232nd Ave SE
Black Diamond, WA 98010
(360) 886-7166

From: Motz, David
Sent: Thursday, June 12, 2008 1:46 PM
To: 'Beverly Lamm'
Cc: Motz, David; Hamlin, Shane; Blinn, Katie; Handy, Nick
Subject: Underage voting in the Presidential Primary

Bev,

Thanks for calling in to let me know about the instance of "under-18" voting in the Presidential Primary that was brought to your attention by an outside researcher. I appreciate your up-front approach to the situation. Like most errors in elections, there appear to be both systemic flaws and human mistakes involved here. You've already told me about how your local Voter Registration System's default settings for age screening at data entry get scrambled with every "upgrade." Attached below is a copy of my cautionary email about active, "underage" voters in the VRDB; your voter *is* listed in the attached Excel file. My mistake was that I sent the email too late. In order to be completely effective, I should have sent it before your ballots went to print.

Of course, the voter's mistake was signing the affidavit and submitting the ballot. Our data show that he didn't turn 18 until June 5. Now your auditor must determine what actions are necessary in order to reinforce the integrity of the electoral process.

Dave

David J. Motz
Voter Services Manager
Office of the Secretary of State
(360) 725-5786

From: Motz, David
Sent: Tuesday, February 19, 2008 1:21 PM
To: Campbell, Miriam; 'ADAMS - Nancy McBroom'; 'ASOTIN - Elaine Johnston'; 'BENTON - Bobbie Gagner'; 'CHELAN - Evelyn Arnold'; 'CLALLAM - Patty Rosand'; 'CLARK - Greg Kimsey'; 'COLUMBIA - Sharon Richter'; 'COWLITZ - Kristina Swanson'; 'DOUGLAS - Thad Duvall'; 'FERRY - Dianna Galvan'; 'FRANKLIN - Zona Lenhart'; 'GARFIELD - Donna Deal'; 'GRANT - Bill Varney'; 'GRAYS HARBOR - Vern Spatz'; 'ISLAND - Sheilah Crider'; 'JEFFERSON - Donna Eldridge'; 'KING - Sherril Huff'; 'KITSAP - Karen Flynn'; 'KITTTITAS - Jerry Pettit'; 'KLICKITAT - Brenda Sorensen'; 'LEWIS - Gary Zandell'; 'LINCOLN - Shelly Johnston'; 'MASON - Karen Herr'; 'OKANOGAN - Laurie Thomas'; 'PACIFIC - Pat Gardner'; 'PEND OREILLE - Marianne Nichols'; 'PIERCE - Pat McCarthy'; 'SAN JUAN - Milene Henley'; 'SKAGIT - Jeanne Youngquist'; 'SKAMANIA - J. Michael Garvison'; 'SNOHOMISH - Carolyn Diepenbrock'; 'SPOKANE - Vicky Dalton'; 'STEVENS - Tim Gray'; 'THURSTON - Kim Wyman'; 'WAHAKIAKUM - Diane Tischer'; 'WALLA WALLA - Karen Martin'; 'WHATCOM - Shirley Forslof'; 'WHITMAN - Eunice Coker'; 'YAKIMA - Corky Mattingly'; 'ADAMS - Heidi Hunt'; 'ASOTIN - Elaine Johnston (Auditor)'; 'BENTON - Brenda Chilton'; 'BENTON - Stuart Holmes'; 'BENTON - Susie Christopher'; 'CHELAN - Nissa Burger'; 'CHELAN - Skip Moore'; 'CHELAN - Stephania Wilder'; 'CLALLAM - Julie Ridgway'; 'CLALLAM - Shannon Cosgrove'; 'CLALLAM - Shoona Radon'; 'CLARK - Tim Likness'; 'CLARK - Tom Godkin'; 'COLUMBIA - Naedene Shearer'; 'COWLITZ - Ameer Paxton'; 'COWLITZ - Carolyn Myers'; 'DOUGLAS - Marty Whitehall'; 'DOUGLAS - Pat Pennington'; 'FERRY - Liz Stinson'; 'FRANKLIN - Diana Killian'; 'GARFIELD - Peggy Laughery'; 'GRANT - Faith Anderson'; 'GRANT - Sally Andrews'; 'GRAYS HARBOR - Helen Bensigner'; 'GRAYS HARBOR - Julie Murphy'; 'ISLAND - LoAnn Gulick'; 'ISLAND - Michele Reagan'; 'JEFFERSON - Betty Johnson'; 'JEFFERSON - Karen Cartmel'; 'KING - Crystal Besmer'; 'KING - Bill Huennekens'; 'KING - Bobbie Egan'; 'KING - Christine Rudolph'; 'KING - Harry Sanders'; 'KING - Jacqueline Timmons'; 'KING -

Janice Case'; 'KING - Laird Hall'; 'KING - René LeBeau'; 'KING - Sandy McConnell'; 'KING - Sherril Huff'; 'KITSAP - Dolores Gilmore'; 'KITSAP - Walter E. Washington'; 'KITITATAS - Sue Higginbotham'; 'KLICKITAT - Brandie Sullivan'; 'KLICKITAT - Connie Kayser'; 'KLICKITAT - Pam Pimley'; 'LEWIS - Beth Rosbach'; 'LEWIS - Heather Borts'; 'LEWIS - Mariann Zumbuhl'; 'LINCOLN - Dale Vaughan'; 'LINCOLN - Tina Brown'; 'MASON - Amber Cervantes'; 'OKANOGAN - Mila Jury'; 'PACIFIC - Chris Stephens'; 'PEND OREILLE - Liz Krezinsky'; 'PEND OREILLE - Tina Olson'; 'PIERCE - Lori Augino'; 'PIERCE - Mike Rooney'; 'SAN JUAN - Doris Schaller'; 'SKAGIT - Casey Earles'; 'SKAGIT - David Cunningham'; 'SKAGIT - Margaret Enders'; 'SKAMANIA - David O'Brien'; 'SKAMANIA - Heidi Penner'; 'SNOHOMISH - Carolyn Ableman'; 'SNOHOMISH - Cindy Gobel'; 'SNOHOMISH - Garth Fell'; 'SNOHOMISH - Joe Smith'; 'SNOHOMISH - Michelle Smith'; 'SNOHOMISH - Wendy Mauch'; 'SPOKANE - Kit Anderson'; 'SPOKANE - Kris Forgey-Haynie'; 'SPOKANE - Mike McLaughlin'; 'SPOKANE - Paul Brandt'; 'STEVENS - Beverly Lamm'; 'THURSTON - Lynnette Thornton'; 'THURSTON - Steve Homan'; 'THURSTON - Tillie Naputi-Pullar'; 'THURSTON (VR) - Keith Mullen'; 'WAHAKIYAKUM - Diane Tischer (Auditor)'; 'WAHAKIYAKUM - Karen Fleming'; 'WALLA WALLA - Debbie Benavides'; 'WALLA WALLA - Katrina Manning'; 'WALLA WALLA - Pam Hamilton'; 'WHATCOM - Carolyn Duim'; 'WHATCOM - Debbie Adelstein'; 'WHATCOM - Ethel Heyrend'; 'WHATCOM - Pete Griffin'; 'WHATCOM - Travis Butcher'; 'WHITMAN - Debbie Hooper'; 'YAKIMA - Diana Soules'; 'YAKIMA - Kathy Fisher'

Cc: Handy, Nick; Hamlin, Shane; Miller, Paul; Murphy, Patty; Newton, Randy; Moss, Sheryl; Motz, David

Subject: RE: Pres. Primary Advisory 13: Certifying the Primary - don't count "under 18" and "failed ID" votes

Not mentioned in the Presidential Primary advisory is the general caution not to count any ballots cast by voters who:

- 1) Are not yet 18 years old (the attached file from the VRDB has 115, in 16 counties: Benton, Cowlitz, Douglas, Garfield, Grant, Island, Jefferson, King, Pacific, Pierce, Snohomish, Spokane, Thurston, Whatcom, Whitman, Yakima);
- 2) Have not yet produced the identification required by law to vote (see Sheryl Moss' Feb 12th email, copied below). There are 3,306 such voters in today's "Failed ID" report in the VRDB, in 27 counties (see attached file): Adams, Asotin, Benton, Chelan, Clark, Cowlitz, Ferry, Franklin, Grant, Grays Harbor, Island, Jefferson, King, Kitsap, Klickitat, Lewis, Okanogan, Pacific, Pend Oreille, Pierce, Snohomish, Spokane, Thurston, Walla Walla, Whatcom, Whitman, Yakima. (If any of these voters *have* verified their identification, please have their records in the VRDB updated.)

Thank you,

Dave Motz
Elections Division
Office of the Secretary of State
(360) 725-5786

Dear Election Partners:

We recently received a question from a county regarding voters whose ID was not verified by the VRDB. As a result, I want to review the procedures for these voters.

First, because of the Brennan Center lawsuit, if a voter registration does not pass VRDB ID verification, the registration appears on the Identity Management module and the

Failed Identity Report of the VRDB. These voters are “provisionally” registered as an active voter--do not use pending status. As active voters, they are sent ballots but the ballot may not be counted with providing valid ID. Each county must:

1. Contact the voter for additional identification.
2. If the voter provides ID, resolve the registration in the VRDB.
3. **If the voter has not provided ID prior to sending out ballots,**
 - a. The voter is sent a ballot. The county should include special instructions to the voter to include a copy of appropriate ID documentation with their ballot.
 - b. When the ballot is returned, the county should have a method to “catch” these ballots—a mark on the envelope or a flag in the voter registration system is most commonly used.
 - i. If ID is provided with the ballot, the ballot is counted.
 - ii. If ID is not provided, the voter must be contacted to provide ID.
 - iii. If not provided by the day before certification, the ballot is not counted and the voter remains on the failed ID list.
 - c. Once ID has been provided by the voter, the failed ID is resolved and the voter is not required to provide ID in future elections.

August 24, 2006, a Clearinghouse was issued for the Brennan Center decision that provides more information. You may find a copy of the Clearinghouse at <http://secstate.wa.gov/elections/auditorsCTP/clearinghouse/2006/0616.pdf>.

WAC 434-250-045 also describes the correct procedure to use and is listed below.

Please contact our office if you have any questions about this procedure.

Sincerely,

Sheryl Moss
Office of the Secretary of State

WAC 434-250-045 Voters requiring verification of identity. (1) If the voter registration record of an absentee voter is flagged as requiring verification of identity, a notice must be sent at the time of the election explaining that a photocopy of identification must be provided in order for the ballot to be counted, and listing what forms of identification are acceptable. The county auditor may provide an inner envelope separate from the security envelope for return of the photocopy of the identification.

(2) The notice to the absentee voter must be in substantially the following form:

Dear Voter:

[date]

Based on your recent registration, federal law requires that you provide identification with your ballot. **If you fail to provide identification, your ballot will not be counted.**

Please provide a copy of one of the following:

- Valid photo identification;
- A valid enrollment card of a federally recognized tribe in Washington;
- A current utility bill;
- A current bank statement;
- A current government check;
- A current paycheck; or
- A government document that shows both your name and address.

You may return the photocopy with your ballot but, in order to protect the secrecy of your ballot, do not place the photocopy inside the security envelope.

If you do not provide a copy of your identification, your ballot will not be counted.

If you have any questions, please feel free to contact the County Auditor's Office at .

(3) If the voter provides one of the acceptable forms of identification no later than the day before certification of the election, the flag on the voter registration record must be removed and the ballot must be counted.

(4) If the voter fails to provide one of the acceptable forms of identification by the day prior to certification of the election, the ballot may not be counted. If the voter provides one of the acceptable forms of identification at a later date, the ballot cast in that election may not be counted but the flag on the voter registration record must be removed.

#

County	Name	State Voter ID	County Voter ID	DOB	Status	Age On Election Date
BE	Robles, Antonio A	WA007378638	650049	5/2/1990	A	17
BE	Kirsch, Nicholas A	WA007614045	650346	2/27/1990	A	17
BE	Gomez, Jose L	WA007840926	651442	7/5/1990	A	17
BE	May, Riley M	WA007841303	651481	8/3/1990	A	17
BE	Sharma, Hamish	WA007846492	651619	7/20/1990	A	17
BE	De Shaw, Elyse M	WA007872308	652264	3/28/1990	A	17
BE	Sherman, Alisha N	WA007873319	652486	5/20/1990	A	17
BE	Sherman, Chanelle R	WA007873321	652488	5/20/1990	A	17
BE	Rivard, Lee A	WA007873700	652549	3/31/1990	A	17
BE	Smearman, Leischel M	WA007873951	652610	4/21/1990	A	17
BE	Wise, Mark R	WA007846996	651643	7/20/1990	A	17
BE	Alvarez, Forrest J	WA007867485	651767	4/5/1990	A	17
BE	McDaid, Joel L	WA007872841	652322	3/13/1990	A	17
BE	Petermann, Amanda S	WA007846346	651610	2/28/1990	A	17
BE	Sheridan, Andrew M	WA007846503	651620	7/19/1990	A	17
BE	Anderson, Kelly L	WA007871526	652164	7/3/1990	A	17
BE	Bergez, Kaitlin M	WA007871709	652191	2/26/1990	A	17
BE	Chandia, Nicholas Efrain	WA007872127	652228	4/19/1990	A	17
BE	Malek, Joseph	WA007873508	652506	6/25/1990	A	17
BE	Carosino, Michael Joseph	WA007874704	652728	8/5/1990	A	17
BE	Wandling, Cade J	WA007875167	652827	3/5/1990	A	17
BE	Gress, Whitney A	WA007612723	650295	4/5/1990	I	17
BE	Ball, Jacob J	WA007609802	650093	3/20/1990	A	17
BE	Shoemaker, Kayla A	WA007612402	650257	2/21/1990	A	17
BE	Deitz, Gallia A	WA007634029	650394	2/25/1990	A	17
BE	Niebuhr, Scott T	WA007846287	651604	8/1/1990	A	17
BE	Rathbun, Sydney A	WA007846410	651613	8/18/1990	A	17
BE	Kickland, Karen	WA007868426	651874	7/6/1990	A	17
BE	Perez, Keelcy G	WA007873739	652561	5/31/1990	A	17
BE	Stubbs, Amanda E	WA007873930	652602	6/9/1990	A	17
BE	Johnson, Nicole D	WA007892221	652110	5/14/1990	A	17
BE	Chadwick, Joshua	WA007868612	651912	3/16/1990	A	17
BE	Devoir, Brianna Margaret	WA007872311	652265	3/20/1990	A	17
BE	Lukins, Brittany	WA007873147	652369	4/21/1990	A	17
BE	Peterson, Alyssa L	WA007873741	652562	7/20/1990	A	17
BE	Stone, Christopher M	WA007874044	652631	6/21/1990	A	17

BE	Schingledecker, Rachelle L	WA007889088	652896	8/8/1990	A	17
BE	Wilcox, Kari A	WA007841774	651547	7/5/1990	A	17
BE	Stewart, Erin K	WA007846886	651626	4/23/1990	A	17
BE	Bissell, Megan E	WA007868183	651827	7/30/1990	A	17
BE	Erlandson, Blake T	WA007872417	652282	6/20/1990	A	17
BE	Teague, Kaitlin A	WA007874093	652640	5/26/1990	A	17
BE	Davari, Jaleh A	WA007874744	652738	3/10/1990	A	17
CZ	CHURCH, CODY R	WA007894200	241250	3/6/1990	A	17
CZ	CRUIKSHANK, ELISABETH A	WA007894223	241258	2/23/1990	A	17
CZ	SULLIVENT, COLTEN J	WA007861950	241134	7/24/1990	A	17
CZ	CLEVENGER, ZACHARY K	WA007903816	241352	3/9/1990	A	17
DG	Tolliver, Steven J	WA007867224	420549	2/22/1990	A	17
DG	Telford, Taylor A	WA007867156	420546	4/13/1990	A	17
DG	Heinitz, David B	WA007867146	420544	5/31/1990	A	17
DG	McIntosh, Tyler J	WA007751693	420261	3/14/1990	A	17
DG	Dorsey, Desire M	WA007867153	420545	6/1/1990	A	17
GA	WEBB, EVA	WA003963330	5675	6/11/1998	I	9
GR	Pruneda, Joe	WA007868103	9979462	4/28/1990	A	17
IS	BABCOCK, CHRISTINA MARIE	WA007584055	687212	3/9/1990	I	17
IS	SMITH, ALEXANDRA MARIE	WA007806744	687772	4/20/1990	A	17
JE	Walker, Derek Tyler	WA007893402	69436	3/22/1990	I	17
KI	GILLULY, KATHERINE E	WA007905872	990842792	5/2/1990	A	17
KI	LOHNES, JULIAN R	WA007931278	990861673	8/8/1990	A	17
KI	JOHNSON, STEPHANIE DEWAN	WA007903547	990873108	7/22/1990	A	17
KI	STEPHENS, ASHLEY N	WA007866030	990864635	10/26/1990	A	17
KI	RUSSELL, ASHLEY KARA	WA007867492	990826058	5/2/1990	A	17
KI	WAGNER, DANIEL JAMES	WA007880262	990868590	7/16/1990	A	17
KI	GLASS, ALEXANDER I	WA007905718	990875226	5/2/1990	A	17
KI	ERCOLANO, MARTHA QUINISE	WA007890974	990871057	3/15/1990	A	17
KI	ARGO, TYLER ARMANDO	WA007888430	990869826	12/27/2007	A	0
KI	FARBER, JAMES MCGINNIS	WA007906255	990869362	11/2/1990	A	17
PA	Petty, Amanda D	WA007898541	45763	2/28/1990	A	17
PA	Quinby, Thomas B	WA007866630	45561	3/9/1990	A	17
PI	MC DANIEL, SHARLEEN A	WA007901682	863942	3/9/1990	A	17
PI	BIGGS, MORGAN B	WA007907656	864968	2/27/1990	A	17
PI	ZAMORA, GEOFFREY F	WA007908473	865383	2/28/1990	A	17
PI	PARKER, ALYSSA J	WA007908792	865495	2/20/1990	A	17

PI	ALLAN, DAVID S	WA007848200	861147	5/8/1990	A	17
SN	SALHA, RAMI D	WA007772269	556850	7/19/1990	A	17
SN	WATSON, MARY L	WA007816653	558488	7/27/1990	A	17
SN	MILLAN, BRITTANY A	WA007865500	563646	9/29/1990	A	17
SP	JOHNSON, AMBER L	WA007895960	1098670	3/5/1990	A	17
SP	MARTIN, KATRINA L	WA007895968	1098676	2/24/1990	A	17
SP	JONES, ANDREW J	WA007895894	1098640	3/8/1990	A	17
SP	HOWELL, LAUREN A	WA007895952	1098666	3/7/1990	A	17
SP	GORDON, CHELSEA L	WA007895970	1098678	2/23/1990	A	17
SP	LIPTON, ZACHARY D	WA007895981	1098685	2/24/1990	A	17
SP	WISCHMANN, ERIN S	WA007898215	1099802	2/26/1990	A	17
SP	MOQUIN, MICHAEL F	WA007924170	1100543	2/21/1990	A	17
SP	RICKMAN, MITCHELL R	WA007895966	1098674	2/26/1990	A	17
SP	WHELAN, DANIEL P	WA007895973	1098680	2/23/1990	A	17
SP	KANAGO, ANTHONY J	WA007895997	1098698	3/8/1990	A	17
SP	DALTON, RAECHAL A	WA007895957	1098668	3/6/1990	A	17
SP	CARL, KRISTEN A	WA007895978	1098682	2/23/1990	A	17
SP	FUZAK, ANDREW	WA007907359	1100256	2/26/1990	A	17
SP	PETERSON, MARTIN X	WA007907713	1100297	2/20/1990	A	17
SP	JECZALA, STEVEN RYAN	WA007928722	1100593	3/8/1990	A	17
SP	COLTON, LAUREN E	WA007895946	1098664	3/8/1990	A	17
SP	HEATH, DEREK A	WA007895964	1098672	3/3/1990	A	17
SP	SHELLHORN, RUSTY G	WA007897936	1099526	2/25/1990	A	17
ST	SUNDHEIM, JONAH I	WA007893765	631788	6/5/1990	A	17
TH	Smith, Cardell Kemora	WA007899943	155984	6/14/1990	A	17
TH	Cannon, Courtney	WA007581873	152541	3/27/1990	A	17
TH	Brown, Mark L	WA007806272	153384	3/30/1990	A	17
WM	Burrous, Jordan B	WA007874859	300515	2/25/1990	A	17
WM	Lafeen, Jessica	WA007874865	300516	3/11/1990	A	17
WM	Perez, Christopher Lee	WA007874896	294663	3/2/1990	A	17
WM	Webster, Erica Renee	WA007891857	300906	3/11/1990	A	17
WM	Maxfield, Jeremy D	WA007892040	300985	3/8/1990	A	17
WM	Taketa, Kalyn L	WA007873798	300656	3/9/1990	A	17
WM	Fugger, April C	WA007874878	300634	3/6/1990	A	17
WM	Slesk, Emily	WA007874873	300639	2/26/1990	A	17
WM	Mattison, Elizabeth M	WA007874887	300352	3/1/1990	A	17
WM	Ewing, Caleb D	WA007887698	300735	2/25/1990	A	17

WM	Freeland, Patrick W	WA007903017	301518	6/4/1990	A	17
WT	DECKER, CAROLINE H	WA003767070	110045	6/19/2004	I	3
WT	VORDERERBRUEGGEN, JORDAN	WA007841125	1145316	5/23/1990	A	17
WT	DICKINSON, AMY	WA003783406	108763	2/1/2004	I	4
YA	SCOTT, STEPHANIE L	WA007891616	150311	4/5/1990	A	17

Mr. Edelman:

September 25, 2008, the status transaction records will be ready for you. They will be restoring the data from back up tapes which takes time and then will need to be extracted from there. There are many steps to the process.

Brenda Galarza
Office of the Secretary of State
Records/Public Disclosure Officer
PO Box 40224
Olympia, WA 98504-0224
360-586-4556 Voice
360-586-4311 Fax

From: Bob Edelman [mailto:BobEdelman@comcast.net]
Sent: Wednesday, September 03, 2008 7:07 PM
To: Galarza, Brenda
Cc: Hamlin, Shane; Handy, Nick; 'Jonathan Bechtle'; 'Trent England'
Subject: RE: Public records disclosure request - Status transaction records

Ms. Galarza:

You are reminded again that your agency is not complying with the Public Records Act.

My request was submitted on August 18, 2008. On August 19 you acknowledged receipt of the request and wrote that you would get back with an estimate once the request was researched. On August 26 I sent a reminder to you that the response prescribed by RCW 42.56.520 was past due. You responded incorrectly that the statute merely required a response that you were researching the request. You also wrote that it "may require another week". I replied that you were required by the statute to respond within five business days by either (1) providing the record; (2) acknowledging that the agency has received the request and providing a reasonable estimate of the time the agency will require to respond to the request; or (3) denying the public record request. I interpreted your statement to be an estimate of when the records would be provided and so noted that in my reply. Apparently I was mistaken as the attached email indicates that you are waiting until Friday to find out when the records will be available. Providing a date for providing a date is unacceptable.

Please either provide the requested records immediately or provide a reasonable date when the records will be disclosed. If the Elections Division is having problems locating the records or understanding the request please let me know. I am having difficulty understanding why it is necessary to research the request for records that were previously said to be readily available.

Bob Edelman

From: Galarza, Brenda [mailto:bgalarza@secstate.wa.gov]
Sent: Wednesday, September 03, 2008 12:59 PM
To: Bob Edelman
Subject: RE: Public records disclosure request - Status transaction records

Mr. Edelman:

The Elections Division is still working on this request and I do not have an answer for you yet. I will update you again by Friday after they update me.

Regards,

Brenda Galarza
Office of the Secretary of State
Records/Public Disclosure Officer

From: Bob Edelman [mailto:BobEdelman@comcast.net]
Sent: Monday, August 18, 2008 12:22 PM
To: Galarza, Brenda
Subject: Public records disclosure request - Status transaction records

Dear Ms. Galarza,

The following is a public records disclosure request:

Attached is a list of State Voter Identifications for 2277 registrants. According to Paul Miller, the Office of Secretary of State maintains a computer file of VRDB status change transactions. Please provide a computer media copy of status change transaction records for the attached list of persons to include the status and original date of entry into the VRDB and the status and date for each status change.

Thank you for your consideration.

Bob Edelman

From: Motz, David
Sent: Tuesday, August 26, 2008 4:51 PM
To: Motz, David; Galarza, Brenda
Subject: RE: our very first notice of an underage voter in the 2008 Presidential Primary

Attached is the summary I wrote for the HAVA complaint. It was NOT communicated to the counties, but it does explain that I talked to them over the phone.

A search of my "sent" email shows no emails to any of the counties in question concerning Bob's #4 item.

As far I as know, no one else in Elections did communications about Bob's #4; I was the guy.

I need to check my inbox.

From: Motz, David
Sent: Tuesday, August 26, 2008 4:38 PM
To: Galarza, Brenda
Subject: our very first notice of an underage voter in the 2008 Presidential Primary

This is from June 12, 2008.

I wrote it in response to a phone call which was my first notification of a case of 17 year old voting in the 2008 Presidential Primary.

I believe we received the HAVA complaint in the mail the next day.

Now I will search for more emails to fulfill #4 of Bob's August 25 request.

Dave

(memo attached to David Motz' email of August 26, 2008. It was titled, "reasons for 4 17 yr old Pres Primary voters.doc")

On July 14, 2008 I spoke with Bev Lamm (Stevens), Deb Hooper (Whitman), Tillie Naputi-Pullar (Thurston), and Patricia Ware (King) about the 17 year old each of them had casting a ballot in the February 19, 2008 presidential primary.

Bev said that during the week prior to the election, she had to do data entry for two 17 year olds who would be valid voters. To get them in, she has to adjust the default setting of her DIMS "screen" to get them in, and when she did, the 17 yr old with the date of birth after February 19 got activated along with the other two.

Deb said that their voter resulted from a mistake in not using the built-in screen provided in DIMS. In other words, when the system asked if the voter should be pended, an incorrect response was entered.

Tillie said that a record for a 17 year old that was sent to the VRDB with missing gender data came back and reversed the pend, making the record active. She also admitted that she has not heard of a case in which a record returning from the VRDB has overridden the pending status of any other record in any other categories of pending.

Patricia was able to determined that the King County 17 year old was pended for not only age, but also for ID. When ID was produced, the record was updated on January 29, and both pends were cleared, even though the age flag should have remained in place.

Here is what these counties are doing now:

Stevens has instituted visible inspection of the form up front, before data entry. A "manual hold" [my term] is used for underage applicants.

Whitman County does *not* use a manual process. They continue to rely on the system.

Thurston is using system queries and the "minors" report to look for these on a weekly basis.

King County has not modified its processes due to this underage inquiry.